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July 23, 2004

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

JUL 28 2004

TECH CENTER 1600/2000

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AND OF PATENT APPEALS
AND INTERFERENCES

Re: U.S. Patent Application No. 09/394,745
Filed: September 15, 1999
Title: *Nucleic Acid Molecules and Other Molecules Associated
with Plants*
Applicants: Dane K. FISHER *et al.*
Atty. Docket No.: 16517.280

Sir:

The following documents are forwarded herewith for appropriate action by the U.S. Patent and Trademark Office (USPTO):

1. Signed Examiner-Initiated Interview Summary (2 pages);
2. Interview Summary; and
3. Return postcard.

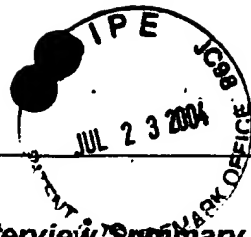
Please stamp the postcard with the filing date of the Interview Summary and return it to our courier.

In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned. Applicants do not believe any fees are due in conjunction with this filing. However, if any fees are required in the present application, including fees for extensions of time, then the Commissioner is hereby authorized to charge such fees to Arnold & Porter LLP Deposit Account No. 50-2387, referencing matter number 16517.280. A duplicate copy of this letter is enclosed.

Respectfully submitted,

David R. Marsh (Reg. No. 41,408)
Holly Logue Prutz (Reg. No. 47,755)

Attachments

**Examiner-Initiated Interview Summary**

Application No.

09/394,745

Applicant(s)

FISHER ET AL.

Examiner

Brian R Stanton

Art Unit

1600

All Participants:(1) Brian R Stanton, Jasmine C. Chambers.(2) Tony Caputa, Gary Benzion, Young Kim.Status of Application: Appeal(3) Thomas Kelly, David Marsh.(4) Holly Prutz.Date of Interview: 14 July 2004Time: 10 am**Type of Interview:**☐ Telephonic☐ Video Conference☒ Personal (Copy given to: ☐ Applicant ☒ Applicant's representative)Exhibit Shown or Demonstrated: ☐ Yes ☒ No

If Yes, provide a brief description:

Part I.

Rejection(s) discussed:

none

Claims discussed:

All in general

Prior art documents discussed:

n/a

Part II.**SUBSTANCE OF INTERVIEW DESCRIBING THE GENERAL NATURE OF WHAT WAS DISCUSSED:**

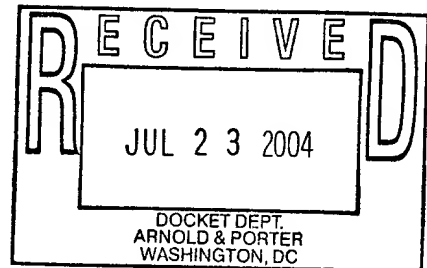
Discussed various general aspects of the application including procedural issues relating to the restriction petitions and the pending appeal. It was agreed that the parties would convene again in approximately one month for further discussions.

Part III.

- ☐ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview directly resulted in the allowance of the application. The examiner will provide a written summary of the substance of the interview in the Notice of Allowability.
- ☐ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview did not result in resolution of all issues. A brief summary by the examiner appears in Part II above.

(Examiner/SPE Signature)

(Applicant/Applicant's Representative Signature - if appropriate)



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Dane K. FISHER *et al.*

Appl. No.: 09/394,745

Filed: September 15, 1999

For: *Nucleic Acid Molecules and Other
Molecules Associated with Plants*

Art Unit: 1637

Examiner: Young J. KIM

Atty. Docket: 16517.280

Confirmation No.: 4816

Interview Summary

JUL 28 2004

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

ER 1600/2900

Sir:

In response to the Interview Summary received from the Examiner dated July 14, 2004, Applicants submit the following summary.

Applicants' representatives thank the Examiner for extending the courtesy of an interview.

In Attendance

Director, Technology Center 1600: Jasmine Chambers

Primary Examiner: Young Kim

Supervisory Patent Examiner: Gary Benzion

Quality Assurance Specialist: Brian Stanton

Practice Specialist 1600: Tony Caputa

Registered Patent Attorney: Thomas E. Kelley

Registered Patent Attorney: David R. Marsh

Registered Patent Attorney: Holly Logue Prutz

- 1) Exhibits: No exhibits were provided or discussed.
- 2) Claims Discussed: Pending claims 8-11
- 3) Cited Art Discussed: No art was presented or discussed
- 4) Amendments discussed: No amendments were presented or discussed

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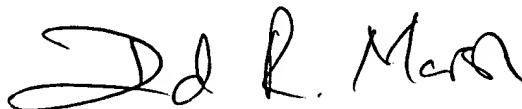
5) Summary of Arguments:

At the interview, Applicants' representatives appreciated the opportunity to discuss various general aspects of the application including procedural issues relating to the restriction requirement and pending appeals. It was agreed that the parties would convene again in approximately one month for further discussion.

6) Other Matters: None

7) General Result: Based on the interview, Applicants have taken into account various possibilities for proceeding in the application. While no final agreement was reached, Applicants' representatives thank the Examiner for the direction and guidance presented during the interview.

Respectfully submitted,



David R. Marsh (Reg. No. 41,408)
Holly Logue Prutz (Reg. No. 47,755)

Date: July 23, 2004

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